

Application S/N 10/733,616
Amendment dated: May 12, 2006
Response to Office Action dated: February 9, 2006

CE11336J1212 Levy, et al.

REMARKS/ARGUMENTS

Claims 1-22 remain pending in the application. In the Office Action, claims 1-5 and 12-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0013456 to Bates, et al. (Bates) in view of U.S. Patent No. 5,859,839 to Ahlenius, et al. (Ahlenius). In addition, claims 11 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Ahlenius and further in view of U.S. Patent Application Publication No. 2002/0123309 to Collier, et al. (Collier). Finally, claims 6-10 and 17-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Ahlenius and further in view of allegedly well-known prior art.

Independent claims 1 and 12 have been amended to clarify that once the communications connection has been established, the condition of the operational parameter of the first mobile communications unit can be transmitted from the first mobile communications unit to the second mobile communications unit. Support for the amendment can be found on page 12, lines 7-10. No new matter has been added. In contrast, the location information concerning the mobile units in Bates is transmitted prior to the establishment of communications between mobile units (see paragraph 0050 – “At step 606, a query determines whether the retrieved action is to contact the group member identified in the notification of step 526” and acknowledged by the Examiner on page 3 of the Office Action of February 9, 2006 – “...motivation being for the purpose of allowing users to know *ahead of time* if their communication will be maintained” (emphasis added). In the combination of Bates and Ahlenius, the users of the mobile units are unable to receive operational parameters during the actual communication process.

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Concerning claims 8 and 19, Applicants admit that it is well known to have distinguishable notification signals. Nonetheless, Applicants submit that the concept of using distinguishable notification signals to inform a first mobile unit user of a condition of operational parameters of a second mobile unit after communications have been established between the first and second mobile units is not well known.

In view of the above, Applicants believe that independent claims 1 and 12 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims – particularly, claims 8 and 19 - are now patentable, in view of both their dependence from these claims and their independent patentability.

Reconsideration and withdrawal of the rejection of the claims is respectfully requested.

Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit
any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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